

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Craig Anderson	Team: Squad #4	CCRB Case #: 201609456	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 11/01/2016 5:08 PM	Location of Incident: § 87(2)(b) Precinct stationhouse	Precinct: 24	18 Mo. SOL 5/1/2018	EO SOL 5/1/2018	
Date/Time CV Reported Wed, 11/02/2016 3:36 PM	CV Reported At: Mayor's Office	How CV Reported: E-mail	Date/Time Received at CCRB Mon, 11/14/2016 9:32 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Jeanpaul Ancion	04823	927858	024 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Luis Torres	19168	943885	024 PCT
2. POM Juan Diaz	04060	946933	024 PCT
3. POM James Braunreuther	13144	946803	024 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Jeanpaul Ancion	Abuse: Sergeant Jean-Paul Ancion entered § 87(2)(b)	§ 87(2)(b)
B.SGT Jeanpaul Ancion	Abuse: At the 24th Precinct stationhouse, Sergeant Jean-Paul Ancion threatened § 87(2)(b) with the use of force.	§ 87(2)(b)

Case Summary

§ 87(2)(b) filed this complaint online with the Mayor's Office on November 2, 2016 (BR 01). The CCRB received this complaint on November 14, 2016.

On November 1, 2016 at 4:50 p.m., a § 87(2)(b) in Manhattan, called 911 and reported that § 87(2)(b) who § 87(2)(b) of that building, was behaving erratically. Sergeant Jean-Paul Ancion and his operator, PO James Braunreuther, responded to the call, as did PO Luis Torres and PO Juan Diaz. The officers knocked on § 87(2)(b) unlocked § 87(2)(b)'s door to let the officers enter. Sgt. Ancion entered the room (**Allegation A**), but § 87(2)(b) was not inside. The officers left the building.

Later that day, at approximately 10:12 p.m., § 87(2)(b) went to the 24th Precinct stationhouse after a neighbor informed him that police officers entered his apartment. He interacted with Sgt. Ancion, PO Torres, and PO Diaz. During their discussion, Sgt. Ancion allegedly drew his Taser and said that he would discharge it at § 87(2)(b) (**Allegation B**). The officers called an ambulance, which transported § 87(2)(b) to § 87(2)(b). § 87(2)(b) left the hospital immediately upon arrival and did not receive medical treatment (see Privileged Documents).

The investigation was unable to obtain video footage of this incident.

Mediation, Civil and Criminal Histories

- § 87(2)(b) was not deemed a suitable candidate for mediation.
- A Notice of Claim request was submitted to the Comptroller's office on December 27, 2016. The results will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint (BR 04).
- Sgt. Ancion has been a member of the NYPD for 15 years. This is the first CCRB complaint filed against him.

Potential Issues

- Several § 87(2)(b) staff members contacted by the investigation said there are cameras in § 87(2)(b) but they all said they did not have access to the footage. The investigation was unable to locate any staff member with access to the footage. The threat of force allegation occurred in a police stationhouse, where there are no cameras that store footage. As such, the investigation was unable to obtain any video footage of the incident.

Findings and Recommendations

Explanation of Subject Officer Identification

- Because § 87(2)(b) was not home when the officers entered his room, he did not know which of the officers went inside. Sgt. Ancion acknowledged entering the room, and was the highest-ranking officer present § 87(2)(g).
- § 87(2)(b) described the officer who threatened him with a Taser as a black man who was approximately 5'7" tall and 50 years old, had sergeant's chevrons on his sleeves, and spoke with a foreign accent. This is a generally accurate description of Sgt. Ancion (BR 05), who denied the allegation but acknowledged that he carries a Taser and interacted with § 87(2)(b) at the stationhouse. § 87(2)(g)

Allegation A – Abuse of Authority: Sergeant Jean-Paul Ancion entered § 87(2)(b)

§ 87(2)(b) is part of § 87(2)(b). § 87(2)(b) has counsellors in the building, which also maintains a security staff. § 87(2)(b) was not present when Sgt. Ancion entered his apartment. When he returned to his apartment later that evening, a neighbor informed him that a counsellor from § 87(2)(b) let a group of officers into his room. § 87(2)(b) did not know the reason for the entry. When he went to the stationhouse later that night to ask why officers entered his room, an officer matching Sgt. Ancion's description told him they entered his room because someone filed a complaint that he was having a "mental breakdown," which § 87(2)(b) denied (BR 06).

§ 87(2)(b) a § 87(2)(b) staff member, said she called 911 because § 87(2)(b) was behaving irrationally and acted aggressively toward a staff member (a recording of the 911 call was requested from the NYPD Communications Division, but has not yet been received). When the police arrived, she accompanied them to § 87(2)(b)'s door. § 87(2)(b) did not respond to knocking, so § 87(2)(b) had another staff member get a key and they opened § 87(2)(b)'s room. § 87(2)(b) and the officers briefly entered the room, saw that § 87(2)(b) was not inside, and left without touching anything (BR 07).

Sgt. Ancion said that staff at § 87(2)(b) told him § 87(2)(b) was "mentally unfit" and was "threatening the staff," causing them to feel unsafe. He knocked on § 87(2)(b)'s door, but no one answered. A female staff member with a key unlocked the door. Sgt. Ancion did not see anyone in the room. He briefly entered the room to see if anyone was hiding under the bed or in the closet. He left without searching any other part of the room when he saw that no one was inside (BR 05).

PO Torres's testimony was consistent with Sgt. Ancion's (BR 08). PO Diaz denied being present for this part of the incident (BR 09).

Staff at a homeless shelter with control over access to the building and its rooms are authorized to provide consent to enter to anyone with legitimate business in the shelter. People v. Robinson, 300 A.D.2d 511 (2002) (BR 10).

§ 87(2)(g)

Allegation B – Abuse of Authority: At the 24th Precinct stationhouse, Sergeant Jean-Paul Ancion threatened § 87(2)(b) with the use of force.

§ 87(2)(b) said he went to the 24th Precinct stationhouse after his neighbor informed him of the police activity in his room because he wanted to know why officers entered his residence. Near the front desk, he spoke to officer matching Sgt. Ancion’s description, who acknowledged entering his room and said that someone complained he was having a “mental breakdown.” Sgt. Ancion and other officers he interacted with said that § 87(2)(b) had to go with Emergency Medical Services (EMS). § 87(2)(b) did not want to go with EMS. § 87(2)(b) stood up from the chair where he had been seated and started “shaking” because he was scared. He did not make any other movements. Sgt. Ancion then took out a Taser and told § 87(2)(b) “I’m going to Tase you. I’m going to Tase you.” § 87(2)(b) tried to relax, and Sgt. Ancion did not use the Taser against him. EMS arrived several minutes later and took him to § 87(2)(b) by ambulance. When they got to § 87(2)(b), § 87(2)(b) left without entering the hospital (BR 06).

There are no known civilian witnesses to this allegation. As per § 87(2)(b)’s statement, EMS did not arrive until after Sgt. Ancion threatened him with the Taser. Based on the Event Information and Prehospital Care Report Summary, § 87(2)(b) was at the stationhouse from approximately 10:12 p.m. until 10:31 p.m. (BR 11 and Privileged Documents). The 24th Precinct Command Log does not list any arrestees or other civilians arriving at the stationhouse during that time period (BR 12).

The Prehospital Care Report Summary indicates that § 87(2)(b) has Post-traumatic Stress Disorder and was experiencing paranoia. Staff at his building determined that he needed to be evaluated. § 87(2)(b) was “calm and cooperative” with EMS, but got out of the ambulance and walked away without being placed under § 87(2)(b) care (see Privileged Documents).

Sgt. Ancion said that, due to the prior 911 call from staff at § 87(2)(b)’s building, he called EMS when § 87(2)(b) arrived at the stationhouse. § 87(2)(b) was “agitated” and argued that he should not have to go to the hospital, but did not display any physical aggression. Sgt. Ancion denied drawing his Taser while speaking to § 87(2)(b) and denied that he or any other officer threatened him with force (BR 05).

PO Torres said that when § 87(2)(b) entered the stationhouse, he pointed at PO Diaz and accused him of entering his apartment. § 87(2)(b) was “very loud” and “somewhat incoherent.” After they realized who he was, they encouraged him to sit down and wait for EMS. § 87(2)(b) calmed down and became “very cooperative.” Aside from his initial pointing at PO Diaz, § 87(2)(b) did not make any notable physical movements, and Sgt. Ancion never drew his Taser or threatened to use it against § 87(2)(b) (BR 08). PO Torres prepared an Aided Report for § 87(2)(b).

§ 87(2)(b) which states that § 87(2)(b) requested EMS (BR 13). This differs from his CCRB testimony, in which he said Sgt. Ancion told him and PO Diaz to call for EMS.

PO Diaz said that when got to the stationhouse, § 87(2)(b) – who was seated on a chair talking to Sgt. Ancion – pointed at him and said, “You’re the devil.” PO Diaz did not know who § 87(2)(b) was, but upon talking to him, learned that § 87(2)(b) believed PO Diaz entered his apartment. § 87(2)(b) was “talking loudly,” but remained seated throughout the discussion and did not make any unusual movements. Sgt. Ancion never drew his Taser or threatened to use it against § 87(2)(b) (BR 09).

NYPD officers may only use Tasers “against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other persons.” Patrol Guide, Section 221-08 (BR 14).

§ 87(2)(g)

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Squad: 4

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date